

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

Plaintiff,

v.

GENNARO'S LIMITED LIABILITY  
COMPANY, et al.,

Defendants.

Case No. 21-cv-08102-SVK

**ORDER GRANTING PLAINTIFF'S  
REQUEST TO DISMISS CASE**

On January 4, 2023, Plaintiff Scott Johnson filed a notice stating that he voluntarily dismissed this case without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Dkt. 78. That rule allows a plaintiff to dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Fed. R. Civ. Proc. 41(a)(1)(A)(i). However, this procedure is not available to Plaintiff because Defendants filed an answer in this action. Dkt. 10. Accordingly, a court order is required to dismiss the case.

The Court treats Plaintiff's notice of dismissal as a request for an order dismissing this case pursuant to Federal Rule of Civil Procedure 41(a)(2). All Parties have consented to the jurisdiction of a magistrate judge. Dkt. 7, 11, 30. The Court hereby **GRANTS** Plaintiff's request for dismissal, **ORDERS** this action dismissed without prejudice, and **TERMINATES AS MOOT** Plaintiff's motion for default judgment at Dkt. 70. The Clerk of Court shall close this file.

**SO ORDERED.**

Dated: January 5, 2023



SUSAN VAN KEULEN  
United States Magistrate Judge